

COMMISSION OF THE EUROPEAN COMMUNITIES

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PRACTICAL MEASURES TO STRENGTHEN THE POWERS OF
CONTROL OF THE PARLIAMENT AND TO IMPROVE RELATIONS BETWEEN THE PARLIAMENT
AND THE COMMISSION

(Communication to the European Parliament)

1. In the Paris Summit Communiqué of 20 October 1972, the Heads of State or of Government of the Member States of the enlarged Community expressed a desire to strengthen the powers of control of the European Parliament and to make their contribution towards improving its working conditions. They therefore invited the Council and the Commission to put into effect without delay practical measures designed to achieve this reinforcement and to improve the relations of both these Institutions with Parliament.
 2. The Commission believes that a strengthening of the powers of Parliament, and an improvement in the relations of both the Council and the Commission with Parliament, calls for measures by all three of the Communities' political institutions, acting separately or together. In the following paragraphs it sets out a series of measures some of which it has taken or will take in its own right, some of which it can take only in cooperation with one or both of the other political institutions of the Communities, and some of which it would be for those institutions to take. These measures are of course additional to others, already agreed between Parliament and the Commission and in force, which are recalled in annex I of this Communication.
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3. The measures now proposed are of varying importance. Individually some have only a limited impact. But the Commission believes that, taken together, they add up to quite a lot; and that they would carry the Community a significant distance along the path prescribed by the Heads of State or of Government. Since none requires a change in the Treaties, they could all be put into effect without delay.
4. Nor do these measures stand in isolation. They fall to be considered in conjunction with other suggestions and proposals as follows:
 - (a) Suggestions already made by the Commission as regards the institutional aspects of the second stage of economic and monetary union⁽¹⁾.
 - (b) Proposals being put forward concurrently by the Commission concerning the development of the budgetary powers of Parliament.
 - (c) Any suggestions made by the Council pursuant to the Paris Summit Communiqué.
5. The Commission is ready and indeed anxious to discuss its proposals mentioned above with Parliament and, as appropriate, with the Council; and to consider in a positive spirit any other measures which those two institutions may propose aimed at strengthening the powers of control and working conditions of Parliament. The Commission has in the past welcomed a number of initiatives of this kind by Members of Parliament and most recently the memorandum submitted to Parliament by Mr Peter Kirk, MP, Leader of the Conservative Group, on 16 January, concerning Parliamentary procedures and

(1) Communication of the Commission to the Council of 19 April 1973 (Doc. COM(73)570 final).

practices, and it awaits with interest the outcome of the decisions of the Special Study Group which is currently examining Parliament's procedures and working methods.

6. The Commission believes that the speech made by its President at the first session of each Parliamentary year, proposing a programme of action for the following twelve months, provides a starting point for effective monitoring of Community activities. The debate held immediately following this speech gives a natural opportunity for discussion on the broad lines of policies in contemplation and of the timetable proposed. Thereafter Members of the Commission are of course willing to appear before Parliamentary committees and discuss in more detail aspects of the programme within their particular competence. Moreover the President of the Commission, who is regularly invited to attend meetings of the Committee of Presidents, has there an opportunity to report on the implementation of the annual programme, thus enabling Parliament to orient its own action. By these means, Parliament is in a position to exert powerful influence on legislative affairs, even before the Commission has exercised its right of initiative under the Treaty.
7. The Commission particularly welcomes the idea set out in the Kirk memorandum of increasing opportunities for questioning and criticism by Parliament of the work of the Commission and the Council and for debates of political substance between Parliament and the other two political institutions.

The Commission would also welcome it if Parliament's voice could increasingly be heard on broad political issues of topical interest. In cooperation with the Bureau of Parliament, the Commission is ready to contribute its share to the holding of such political debates. These will enable Parliament to define the general political approach to be adopted for action in a major Community sector of activity or in relation to broad action programmes or sets of proposals.

After such debates, the Commission will let Parliament know whether it agrees with the general political approach thus defined. Where it does not agree, it will so inform Parliament, and will be prepared to hold a further debate with the latter on the basis of a communication to Parliament expounding its reasons.

8. The Commission has steadily, over the years, widened the range of matters on which, over and beyond any Treaty obligation, it has proposed consultation with Parliament on a facultative basis. It will continue to do so.

The Commission is prepared, as regards the coal and steel sector, to extend consultation with Parliament, beyond the fixing of the ECSC levy, to all other important decisions.

9. The Commission is ready moreover to involve Parliament to a greater extent in the process of making trade agreements. It will cooperate in any general debate in Parliament or Parliamentary committees concerning the holding of proposed trade negotiations, though obviously the significance of any particular negotiation will determine Parliament's decision as to whether and where such a debate should be held. It will also keep the competent Parliamentary committees informed about the progress of negotiation of trade agreements. In the case of important trade agreements, the

Commission will propose to the Council that Parliament be consulted.

10. The Commission intends to intensify yet further its consideration of opinions or views expressed by Parliament. It has already agreed (see annex 1) to express its view on any amendment adopted by Parliament on its proposals, if possible at the Parliamentary session in question and failing that as soon as possible thereafter. The Commission intends to place this practice on a more systematic basis. In future, after each session, it will conduct an overall review of all opinions or views expressed by Parliament, and will ensure that any undertakings given are put into effect. The President or the Vice President with special responsibility for Parliamentary affairs will then at the beginning of the following session present a consolidated statement of the action taken by the Commission on the opinions and views of Parliament.
11. The Commission recalls that, in its communication to the Council of 30 April 1973 on the second stage of economic and monetary union⁽¹⁾ it stated:

"as concerns important instruments of general application, there could and should be introduced, by agreement among the Institutions, a procedure for a second reading before the Parliament wherever the Council departs markedly from the Opinion delivered at the first reading".

The Commission considers that this procedure should apply in all Community fields of endeavour. It has in mind that, at the second reading in Parliament, representatives of the Council should be invited to attend and explain the reasons for decisions taken by that Institution. Moreover, when the matter is further considered by the Council after the second reading in Parliament, members of the latter should be invited to present Parliament's views to the Council before a final decision is taken.

⁽¹⁾ Doc. COM(73)570 final page 30.

12. The Commission recalls that, in the same communication, it urged that "very particular attention should be paid to the European Parliament's reactions regarding the adoption of any new instrument setting out to give the Community expanded means of action on the basis of Article 235. In such cases the Council should express its willingness to prolong the dialogue with the European Parliament in order to work out an agreement between the two institutions. Where after a second reading the conflict persisted and was reflected by a particularly sizeable adverse vote in the Parliament, the Commission should propose solutions enabling the Council to take account of the Parliament's views."
13. While the Commission would not wish to press views on matters which are essentially within the competence of Parliament, it ventures nevertheless to put forward, for the latter's consideration, some tentative ideas relating to the work of the Parliamentary committees.
14. The Commission welcomes in principle the proposal in the Kirk memorandum to hold hearings, whether in public or otherwise, for the purpose of examining the policies of the Community and the manner in which these policies are carried out in practice. It believes that such hearings could be valuable in terms of informing public opinion within the Community or Parliament. While awaiting Parliament's specific views on this proposal, the Commission will be considering how it could best help in the conduct of any such hearings.
15. The Commission hopes that Parliament's Special Study Group on procedures and working methods will bear in mind the following points about the work of Parliamentary committees:

- (a) It is important that, when Parliament is consulted on Commission proposals, its opinion should be adopted with all deliberate speed. In this connection, ^{the Commission} sees no reason why the work of Parliamentary committees should not begin as soon as the Commission's proposals are sent to the Council and transmitted for information to Parliament. In this way the committees could gain time, since there is often a time lag of two or three weeks between a proposal being forwarded to the Council and the same proposal being officially put to Parliament. The Commission will, for its part, seek a solution to the problem posed by the late arrival, for technical reasons, of certain documents on which Parliament is consulted.
- (b) The Members of the Commission would wish to be in a position to attend meetings of Parliamentary committees as much as possible. However, they have numerous obligations to reconcile. A different organisation of meetings of Parliamentary committees would be very helpful to them. The Commission suggests that there might be a fixed day on which an "ordinary monthly meeting" of each of the committees would be held in Brussels (e.g. Political Affairs Committee on the first Tuesday of each month, the Economic Affairs Committee on the third Thursday of each month, etc.) on the understanding that no regular meeting is arranged on a Wednesday, which is the day set aside for regular meetings of the Commission itself. As the Commission Member concerned would know beforehand the date of ordinary monthly meetings he could keep it free for the Parliamentary committee in question which could meet either in the morning or in the afternoon or all day.

During the meeting the Parliamentary committee would try to tackle only major problems or the more political aspects of the matter under discussion. This procedure would not of course in any way inhibit the committees from holding additional meetings on other dates, and requesting the attendance of Commission Members. The latter would not, however, be under an obligation to attend, unless they had agreed to do so in advance. At these "movable" meetings the Commission, as a rule, would be represented by senior officials. These meetings would normally be devoted to more technical aspects of the matters under discussion. In the Commission's view, such an arrangement should result in better collaboration between the Parliament and itself, and would be likely to increase the political character of debates during Parliament's plenary session.

- (c) The Commission believes that an arrangement on the lines described at (b) above would make it easier to devote a number of committee meetings to wide ranging debates of a forward looking kind. Either the execution of major common policies could be examined in detail or Parliament might wish to be informed of the Commission's intentions as regards proposals it has in mind to put forward.
 - (d) The Commission, for its part, welcomes the proposal in the Kirk memorandum that Parliament should on occasion decide to take no action on consultations requested and simply inform the Council that it has no comments to offer. It shares the view that such a procedure might be appropriate on a number of technical matters. It hopes, furthermore, that it may be possible for a greater number of committee reports to be adopted by Parliament without a debate. If these developments are to take place, it would seem desirable to consider reversing existing procedures. In other words it should be left to the initiative of the committees
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to recommend to the Bureau which reports should be debated in plenary session. The Bureau would of course retain the right of decision.

The Commission believes that, if these ideas were followed, this could significantly increase the time available to Parliament and its committees for debating broad political issues.

(e) The Commission wonders whether the efforts made by committees to adopt draft motions unanimously may not at times rob discussions held in plenary session of a large part of their liveliness and interest.

16. The Commission recalls that proposals have in the past been made with the aim of stimulating the interest of Parliaments of Member States in the broad lines of Community policies⁽¹⁾. The Commission thinks it could be helpful if, following its annual debate on the programme of action of the Commission, the Parliament were to draw up a report of its own, for submission to Parliaments of Member States, on Community activities generally. The aim would be that this report should then be debated in each of the national Parliaments simultaneously, or at least in the course of the same week. Such a debate would offer Members of the European Parliament an opportunity to undertake a coordinated action with their own national Parliaments on the basis of a political appreciation made by the European Parliament. The Government of each Member State would be required to explain its attitude on European problems to its own Parliament.
17. The Commission notes that cooperation between the European Parliament and Parliaments of non-member states continues to expand. It welcomes this development, and is willing to assist it wherever possible. In particular it is ready, in advance of any meeting between the European Parliament (or a committee or group thereof) and parliamentarians of third countries, to supply oral or written documentation.

(1) Speech by Mr Haferkamp at the European Parliamentary colloquium in Strasbourg on 15/16 March 1973.

18. Finally, on the organisational plane, the Commission has taken a number of measures to strengthen its cooperation with Parliament. It has appointed one of its Vice-Presidents, Mr Scarascia-Mugnozza, to assist the President in the conduct of relations with Parliament. It hopes that continuous contact will be established between the Bureau of Parliament and Mr Scarascia Mugnozza. The Commission is prepared to cooperate closely with the enlarged Bureau of Parliament on all problems relating to the organisation of Parliamentary work, and to contribute to the smooth running of the session.
- Mr Scarascia Mugnozza is also at the disposal of the chairmen of the political groups, and hopes to establish systematic contacts with them. At the official level, the Commission has appointed a Deputy Secretary General responsible in particular for parliamentary affairs and to reinforce considerably the division within the Secretariat General responsible for liaison with Parliament. These measures should lead to further development of relations between the services of the Commission and the Secretariat of Parliament. The Commission has also taken decisions aimed at speeding up and improving the quality of its replies to written parliamentary questions.

Improvements in cooperation between the European Parliament and the Commission
decided by agreement between the two institutions

From the outset the European Parliament has sought the help of the Commission in order to improve its decision-making procedures and to strengthen its control over the Executive. In this process the following important events may be noted:

- the Furler report of June 1961 and the agreements made by President Hallstein;
- the agreements concluded between President Rey and President Scelba;
- the agreements concluded between President Malfatti and President Behrendt.

The following paragraphs resume the main points agreed between the two institutions.

1. The Commission agreed to present its annual programme of work during the Parliament's February session. The programme is debated and this affords the Parliament the opportunity to exert influence on the Commission, e.g. for changes in the timetable and in basic guidelines. During the remaining part of the year the President of the Commission is regularly invited to attend meetings of the Committee of Presidents, within which he has the opportunity to report on the implementation of the annual programme and, in this way, the Parliament has the opportunity to exert its influence.

Through this twofold procedure the Parliament is able to intervene in the legislative procedure, even before the Commission exercises its right of initiative.

2. The range of consultation has been widened appreciably. Whereas only in 22 Articles of the EEC Treaty and 11 Articles of the Euratom Treaty is provision made for the Parliament to be consulted, the Commission has agreed to propose facultative consultation of the Parliament for all its proposals, with the exception of those of only minor importance, those which are urgent and in respect of which the Council could take a decision quickly, and also those which are confidential.

The Commission has decided that for texts of general importance (memoranda, general considerations, programmes) it will itself seek the Parliament's opinion at the same time as the text in question is forwarded to the Council.

3. In order to improve working conditions in the Parliament, the Commission has agreed to forward to the Parliament for its information Commission proposals to the Council a few days after such proposals have been formally sent to the latter institution.

For a long time now the preliminary draft budget has been forwarded simultaneously to the Parliament and to the Council. This procedure was confirmed in the Treaty of 22 April 1970.

Texts which are forwarded to the Parliament for its information and on which the latter is consulted are accompanied by documents containing general information. Both the texts and the documents are intended to inform the Parliament or its committee of the Executive's activities and to provide documentation on matters which are being referred to the Parliament in another connection.

4. The Commission has been given the means to have some say in the drawing-up of the Parliament's agenda. The Commission may, for example, request the Parliament to accord a certain degree of priority to consultations of an urgent nature. The Commission is represented at the meeting of the Committee of Presidents and at that of the Bureau which draws up the agenda of the sessions.

5. The Commission has agreed to make known its attitude to each of the amendments put forward by the Parliament upon examination of the Commission's proposals to the Council. When the Parliament is in session, the Commission Member concerned informs it whether the Commission accepts or rejects the amendment. In certain cases, the Commission Member may request a period in which to consider the matter, and the Parliament is informed of the Commission's attitude as soon as possible after the session on the agenda of which the item appears.

Similarly, the Commission has undertaken to state the reasons for its refusal to accept an amendment from the Parliament either orally at the sitting or in writing in a letter to the President of the Parliament.

6. When it accepts an amendment from the Parliament, the Commission has undertaken to modify, on the basis of Article 149, second paragraph, a proposal which it has sent to the Council. The Commission amends its motions even if they are technical in nature.

If there are cases where it is not expedient to table an amended motion on account of the circumstances of the matter, the Commission has undertaken to inform the Parliament of the reasons for which it will be not tabling such an amended proposal.

The amended proposal sent to the Council is forwarded forthwith to the European Parliament for its information.